Application Number: LU/7865
Our File Reference Number: Erf 872, Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: Louréz@lhayattorneys.co.za / anel@lhayattorneys.co.za

Sir/Madam

APPLICATION FOR DEPARTURES AND SPECIAL DEVELOPMENT: ERF 872, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 Application in terms of Sections 15.2(b) and Section 15(2)(a) of the Stellenbosch Municipality’s Planning By-law (2015) for the following on erf 872, Jean Street, Stellenbosch:

2.1.1 Building Line Departure to relax the 4.5m street building line to 4.0m and 2.5m side building line adjoining erf 873 to construct a tandem garage on erf 872, Stellenbosch;

2.1.2 Building Line Departure to relax the 4.5m street building line to 0m to construct a covered entrance gate which forms part of the boundary wall on erf 872, Stellenbosch;

2.1.3 Special Development to convert a portion of the existing dwelling with minor alterations and additions into a second dwelling unit (±102sqm) on erf 872, Stellenbosch;

3. **BE APPROVED** in terms of Section 60 of the said Bylaw, subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

3.1 The approval only applies to the proposed development in question, as indicated on the Site Development Plan, Plan No 872-05-2020, dated 15 August 2017, attached as Annexure 4 and
shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.2 That formal building plans are to be submitted to Council (Building Department) for approval prior to any building work being undertaken;

4. The reasons for the above decision are as follows:

4.1 The proposal will have minimal impact on the surrounding properties as the use of the property is residential in nature;
4.2 The scale of the proposal is in line with its surroundings as the existing footprint of the dwelling unit will not be enlarged as only internal alterations and additions will be made to the existing building to facilitate the additional dwelling unit;
4.3 The relaxation of the building lines to accommodate the tandem garage and the covered pedestrian entrance gate will not set a precedent within the area as similar approvals have been granted in the surrounding area;
4.4 The proposal will facilitate sensible densification and facilitate the optimal use of the existing infrastructure;
4.5 Adequate onsite parking can be provided for the proposal.
4.6 The relevant restrictive Title Deed conditions have already been removed and the registrar of Deeds has endorsed the title deeds in this regard. (Annexure 2)

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

(I) First names and surname;
(II) ID number;
(III) Company of Legal person’s name (if applicable)
(IV) Physical Address;
(V) Contact details, including a Cell number and E-Mail address;
(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

(i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

(ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(e) if the appeal is lodged against a part of the decision, a description of the part;

(f) if the appeal is lodged against a condition of approval, a description of the condition;

(g) the factual or legal findings that the appellant relies on;

(h) the relief sought by the appellant; and

(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(i) That the appeal includes the following declaration by the Appellant:

(i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct.

(ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za

8. An applicant who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The
LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.


10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

   (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

   (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

   (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

   (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.


12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you’ve been advised accordingly.

Yours faithfully

[Signature]

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 31/12/20
COPIES TO:
Bubu.amdt@steinhoff.co.za / liezel@twopence.co.za / info@twopence.co.za
ANNEXURE 2
CONVEYANCER’S CERTIFICATE

I, JOHAN KAT Hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town, regarding the following properties including the current title deed/deed of transfer;

ERF 872 STELLENBOSCH, situate in the Municipality and Division of Stellenbosch, Province of Western Cape

In extent: 991 square metres

Deed of Transfer T24670/2014

In respect of which it was found that there are no restrictive conditions registered against such properties) prohibiting it from being utilised/developed for the following purposes (as elaborated on in more detail in the accompanying application):

To permit the establishment of an additional welling and to permit certain building line departures.

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LIST OF RESTRICTIVE TITLE CONDITIONS

<table>
<thead>
<tr>
<th>Deed No</th>
<th>Clause No</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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PROCESS BY WHICH RELEVANT CONTITIONS WILL BE ADDRESSED

<table>
<thead>
<tr>
<th>Removal/suspension/amendment of restrictions in terms of Act 84/1967</th>
<th>Notarial Deed of Cancellation</th>
<th>Consent</th>
<th>Expungement by means of 'rule nisi' application to High Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

Signed at STELLENBOSCH on this 3rd day of August 2017

Signature: [Signature]

Johan Kat
Conveyancer
Kat & Kie
Cabellaalhuis - Os
Brandwachtskantoor
Trumelistraat
Stellenbosch
7600
Docex 32, Stellenbosch

For endorsees
Price/Value
R. 3,400,000.00

For mortgage capital
Amount
R. 1,100,000.00

For mortgage exemption

Termed
Agreed

Verbind - Mortgaged

Voor R. 1,200,000.00

0013776 / 2014
2014-03-20
Registratienummer/registraat

T 000024670 / 2014

Akte van Transport

Hiermee word bekend gemaak

Dat Anneke Louw
voor my die registrateur van aktes verskyn het in Kaapstad, die genoemde
Kompanant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom/haar verleen
deur

René Van Tonder
Identiteitsnummer 580410 0087 08 9
Getrou duits gemeenskap van goed

gedateer 17 Februarie 2014
gen geteken te Stellenbosch

Kat & Kie

For further endorsements
See page...
ENDORSEMENT IN TERMS OF SECTION 6(1) OF ACT 84 OF 1967

Voorwaardes .................. B. (b), (c), (d) and C. (l) .................. hierin are
gewysig / opgeskort / opgehef kragtens Administrateurs Proklamasie Nr
altered / suspended / removed in terms of Administrators Proclamation No. 198/2016
gedateer in Offisiele Koerant Nr
dated ........... 13/05/2016 ...... in Official Gazette No. ............. 7617 .............
onderworpe aan voorwaardes daarin gemeld
subject to conditions mentioned therein

Aktekantoor, Kaapstad
Deeds Registry, Cape Town
Datum ............ 31 MAY 2017
Dated ..................

Registrar of Deeds

Registrateur van Aktes
EN genoemde Komparant het verklaar dat die gesegde RENé VAN TONDER die ondergemelde eiendom op 7 Februarie 2014 waarlik en wetlik verkoop het en dat hy sy in sy/haar voornoemde hoedanigheid hierby sadeer en transporteer aan en ten gunste van:

JOHANNA ELIZABETH BEZUIDENHOUT
Identiteitsnummer 610905 0075 08 7
ongetroud

haar erfgename, eksekuteurs, administrateurs of regverkrygendes in volkome en vrye eiendom:

ERF 872 STELLENBOSCH, geleë in die Munisipaliteit en Afdeling Stellenbosch,
Provincie Wes-Kaap.

GROOT: 991 (NEGE HONDERD EEN EN NEGENTIG) vierkante meter

Eerste getransfer deel van Transportakte T11545/1953 met Kaart Nr 3616/1947
daarby aangeheg en steeds gehou kragtens Transportakte T95285/94

A. ONDERHEWIG aan die voorwaardes waarna vervy word in Sertifikaat van
Eenvormige Titel Nr 13486/1947.

B. ONDERHEWIG VERDER aan die voorwaardes soos vervy in Transportakte Nr
T11549/1953 opgelé deur die Administrateur in termie van Ordonnansie 33 van
1934, naamlik:-

"As being in favour of the Local Authority and the registered owner of any erf in the Township:

(a) This erf shall be used for residential purposes only.

(b) Only one dwelling, together with such outbuildings as are ordinarily required to be used therewith shall be erected on this erf.

(c) No more than one-third of the area of his erf shall be built upon.

(d) No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 20 feet to the street line which forms a boundary of this erf, nor within 10 feet to the lateral or rear boundary common to any adjoining erf, no buildings, however, to exceed two storeys in height.

(e) The owner of this erf shall without compensation be obliged to allow the sewage and drainage including stormwater of any other erf or erven to be conveyed across this erf, if deemed necessary by the local authority and in such a manner and position as may from time to time be reasonably required, this shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
As being in favour of the Administrator:

(f) This erf shall not be subdivided except with the consent in writing of the Administrator.

Any words and expressions used in the foregoing conditions shall be deemed to have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No 401 dated 17th October 1935 and by the Memorandum which accompanied the said regulations.

C. ONDERHEWIG VERDER aan die volgende voorwaardes vervat in Transportakte Nr T11549/53 en opgelê deur Susanna de Vogel Krige, as eienaar van die resante van die genoemde onderverdeelde landgoed, vir haar voordeel en vir die voordeel van Erfhouers van geseconde onderverdeelde landgoed:

(g) ...

(h) No building shall be erected on this-erf costing less or having a valuation of less than £1500.

(i) All buildings including outbuildings erected on this erf shall comply with the Building Regulations of the Municipality of Stellenbosch in force at the time of erection and shall comply with the policy of the Council regarding the design, construction, and elevation of Buildings.

(j) No corrugated iron fences of any kind may be erected on this erf.

(k) Plans for all boundary walls to be erected on this erf must be submitted to the Municipality of Stellenbosch for approval.

(l) The roofs of all buildings on this erf must be uniform in regard to material and style. Flat roofs for outbuildings, garages, etc. will only be permitted if the main building also has a flat roof.

(m) The owner of this erf shall carry on no activity likely for the reason that it creates a noise or for any other reason to be a nuisance to other owners of erven in this Township. He shall not saw or chop wood for profit or for gain on this erf nor allow that this is done, nor shall he allow any material to be stored on this erf which he requires in connection with any activity which he persues outside this erf."

WESHALWE die Komparant afstand doen van al die regte, titel en belang wat die gesegde RENÉ VAN TONDER voorheen op genoemde eiendom gehad het en gevolglik ook erken dat sy geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat, kragtens hierdie akte, bogeneemde JOHANNA ELIZABETH BEZUIDENHOUT, ongetroud, haar erfgename, eksekuteurs, administrateurs of regverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en erken sy ten slotte dat die koopprys van die
elendum wat hiermee getransporteer word die bedrag van R3 400 000.00 (DRIE MILJOEN VIER HONDERD DUISEND RAND) is.

TEN BEWYSE WAARVAN EK, die genoemde Registrateur van Aktes, tesame met die Komparant hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op 20 Mei 2014

In my teenwoordigheid

Registrateur van Aktes

q.q. Handtekening van komparant